IN THE

Supreme Court of the United States

OCTOBER TERM, 1946.

No. 970

BROTHERHOOD OF RAILROAD TRAINMEN,
AN UNINCORPORATED ASSOCIATION,
Appellant,

vs.

THE BALTIMORE AND OHIO RAILROAD COMPANY, THE CHESAPEAKE AND OHIO RAILWAY COMPANY, ERIE RAILROAD COMPANY, GRAND TRUNK WESTERN RAILROAD COMPANY, THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, THE PENNSYLVANIA RAILROAD COMPANY, PERE MARQUETTE RAILWAY COMPANY, AND WABASH RAILROAD COMPANY,
Plaintiffs-Appellees,

INTERSTATE COMMERCE COMMISSION,
Intervening Plaintiff-Appellee,

THE CHICAGO RIVER AND INDIANA RAILROAD COMPANY, CHICAGO JUNCTION RAILWAY COMPANY, AND THE NEW YORK CENTRAL RAILROAD COMPANY,
Defendants-Appellees.

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

APPELLANT'S REPLY TO SUPPLEMENTAL BRIEF OF PLAINTIFFS-APPELLEES.

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May 9, 1947.

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If the Court permits the filing of and considers the Supplemental Brief of Plaintiffs-Appellees, then the appellant respectfully requests that this reply be filed and considered in the disposition of this case.

On the hearing of the cause May 6, 1947, counsel for the appellant stated, in response to a question of Mr. Justice Reed, that the Brotherhood of Railroad Trainmen, the representative of employees, received a certified copy of the preliminary injunction. Whether counsel stated that such copy was "served" or "furnished" counsel does not know. Counsel recalls that, in this connection, he invited the Court's attention to page 105 of the Record, the pertinent portion of which is as follows:

> "The first and only notice or other process relative to any proceedings had in the above suit which was served upon any of the above-named Brotherhoods, or any of their members, was on March 14, 1946, when each of said Brotherhoods was furnished a copy of the preliminary injunction hereafter described."

On further examination of the Record, the appellant finds and invites the attention of the Court to the following statement at page 127 of the Record:

> "These defendants promptly informed the Brotherhood of Railroad Trainmen of the filing of this suit on February 18, 1946. They sent to the Brotherhood of Railroad Trainmen on March 14, 1946, a certified copy of a temporary injunction entered that day by this court."

Respectfully submitted,

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